

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)	
)	
Calumet Abrasives, Co. Inc.,)	CASE NO.: 19-21257
)	<u>CHAPTER 11 PROCEEDING</u>
)	
Debtor.)	
)	

**DEBTOR'S MOTION TO ENLARGE TIME TO FILE SCHEDULES AND
STATEMENT OF FINANCIAL AFFAIRS**

Calumet Abrasives Co., Inc., the above-captioned Debtor and Debtor-in-Possession (the "Debtor"), pursuant to 11 U.S.C. § 521 and Fed. R. Bankr. P. 1007(c), moves this Court for an entry of an Order enlarging by two (2) weeks, to June 4, 2019, the time within which it must file its schedules of assets and liabilities and statement of financial affairs (the "Motion"). In support of this Motion, Debtor states as follows:

Jurisdiction and Venue

1. On May 7, 2019 (the "Petition Date"), Debtor filed a voluntary petition for relief under Chapter 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (The "Bankruptcy Code") in this Court.
2. Debtor continues to operate its business as Debtor-in-Possession pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code.
3. No requests have been made for the appointment of a Trustee or examiner, and no official committee of unsecured creditors has been appointed by the office of the United States Trustee.
4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334.

Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

Background

5. Debtor is an Indiana corporation that operates at 3039 169th Place, Hammond, Indiana 46323.

6. Prior to the Petition Date, Debtor was involved in two (2) state court civil actions. Debtor initiated a lawsuit against a shareholder, John Anderson, in the Lake County Superior Court, Civil Division One, styled *Calumet Abrasives Co., Inc. v. John G. Anderson*, Cause No.: 45D01-1904-CT-377. Also, First Midwest Bank initiated an action seeking the appointment of a receiver in the Lake County Superior Court, Civil Division Six, styled *First Midwest Bank v. Calumet Abrasives Co., Inc.*, Cause No.: 45D10-1903-PL-212. These actions have now been consolidated into the First Midwest action and has been stayed by the filing of Debtor's bankruptcy petition.

7. Debtor filed this case to preserve the ongoing business and is seeking to reorganize for the benefit of all parties involved, including Debtor's creditors.

8. Pursuant to 11 U.S.C. § 341, the office of the United States Trustee scheduled Debtor's Meeting of Creditors for June 14, 2019 at 10:00 a.m.

Relief Requested

9. By this Motion, Debtor requests an enlargement of time to file its schedules of assets and liabilities and statement of financial affairs up to and including June 4, 2019, without prejudice to the Debtor's right to seek further enlargements or other relief from the Court for cause.

Basis for Relief

10. Pursuant to Section 521 of the Bankruptcy Code and Fed. R. Bankr. P. 1007, Debtor is required to file the schedules within fourteen (14) days after the Petition Date, unless such time is extended for cause shown.

11. Rule 1007(c) provides that the time within the schedules shall be filed may be extended for cause, on application to the Court, with notice to the office of the United States Trustee, any committee established pursuant to §§ 705 or 1102, any Trustee, or examiner, or any other party as the Court may direct.

12. Debtor is currently in the process of compiling all the information necessary to complete the schedules, but seeks additional time to ensure that the information being provided is both accurate and complete.

13. In addition to working on the schedules, Debtor has been involved in a highly contested issue for the use of cash collateral with First Midwest Bank with the final hearing scheduled on Debtor's request for Thursday, May 23, 2019.

14. Debtor therefore requests an additional two weeks, up to and including June 4, 2019, to file the remaining missing documents.

15. Debtor has communicated with the attorney for the United States Trustee, Jennifer Prokop, and she has consented to this requested two week enlargement of time.

16. This enlarged deadline will provide Debtor the opportunity to file complete and accurate schedules which will benefit this Court and all interested parties, and still provides ample opportunity and time for the United States Trustee to review the schedules prior to the 341 Meeting on June 14, 2019. Thus, Debtor respectfully submits that no party will be unfairly prejudiced by the granting of this request by the Court.

Notice

17. Notice of this Motion has been provided to the office of the United States Trustee for the Northern District of Indiana and parties requesting notice or having filed a notice of appearance in this case. Debtor submits that in light of the nature of the relief requested herein, that no further notice should be required.

WHEREFORE Debtor respectfully requests the entry of an Order, pursuant to 11 U.S.C. § 521 and Fed. R. Bankr. P. 1007(c) enlarging the time in which Debtor must file the missing schedules up to and including June 4, 2019, without prejudice to Debtors right to seek further enlargements or other relief for cause, and granting all other relief just and proper in the premises.

Respectfully submitted:

DANIEL L. FREELAND & ASSOCIATES, P.C.

/s/ Frederick L. Carpenter

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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of May, 2019, a copy of the foregoing was filed electronically with the Clerk of the Court using the CM/ECF System, which sent notification of such filing to all counsel of record.

/s/ Frederick L. Carpenter

Frederick L. Carpenter